

1 BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY

2 LAND QUALITY DIVISION

3 -----

4 HEARING TO DISCUSS PROPOSED REVISIONS TO CHAPTERS 9 AND

5 10

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9 TRANSCRIPT OF HEARING PROCEEDINGS

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11 Transcript of Hearing Proceedings in the above-

12 entitled matter before the Department of Environmental

13 Quality, Land Quality Division, commencing on the 25th

14 day of March, 2013 at 10:10 a.m. at the Oil and Gas

15 Conservation Commission Hearing Room, 2211 King

16 Boulevard, Casper, Wyoming, Mr. Jim Gampetro presiding,

17 with Board Members Mr. Robert Green, Mr. Jim Skeen,

18 Mr. Jay Collins and Mr. Michael Shober in attendance.

19 Also in attendance were Ms. Nancy Nuttbrock,

20 Administrator of the LQD, Mr. Craig Hults of the LQD,

21 Mr. Robin Jones of the LQD, Mr. Mark Moxley of the LQD

22 and Mr. Mark Rogaczewski of the LQD.

23 In attendance from the public were

24 Ms. Laura Ackerman, Ms. Shannon Anderson, Mr. Ron Gossard

25 and Mr. Jonathan Downing.

1 P R O C E E D I N G S

2 (Hearing proceedings commenced

3 10:10 a.m., March 25, 2013.)

4 CHAIRMAN GAMPETRO: If we could go around
5 and everyone introduce themselves and whom they
6 represent. We can start in the back.

7 MR. GOSSARD: I'm Ron Gossard with FMC
8 Corporation.

9 MR. DOWNING: John Downing, Wyoming
10 Contractors Association.

11 MS. ANDERSON: Shannon Anderson with
12 Powder River Basin Resource Council.

13 MS. ACKERMAN: Laura Ackerman with Cloud
14 Peak Energy.

15 MR. HULTS: Craig Hults with Land Quality
16 Division.

17 MS. NUTTBROCK: Good morning. I'm Nancy
18 Nuttbrock, the administrator of Land Quality Division.

19 MR. JONES: Robin Jones with District 1
20 Land Quality Division.

21 MR. MOXLEY: Mark Moxley. I'm the Lander
22 district supervisor for the Land Quality Division.

23 MR. ROGACZEWSKI: Mark Rogaczewski,
24 supervisor in District 3 out of Sheridan for Land Quality
25 Division.

1 MR. GREEN: Bob Green. I'm the industry
2 representative, but I'm also with Cloud Peak Energy.

3 MR. SKEEN: Jim Skeen. I'm a public
4 representative.

5 CHAIRMAN GAMPETRO: Jim Gampetro. And I'm
6 a public representative.

7 MR. COLLINS: Jay Collins. I'm the ag
8 representative.

9 MR. SHOBER: Micky Shober, a Campbell
10 County commissioner. I'm the public elected official
11 representative.

12 CHAIRMAN GAMPETRO: Okay. Let's see.
13 What do we have on the agenda today? Do we have any
14 introductory things from Craig today, or are we going to
15 go right into the package? Or what would you like to do,
16 Nancy?

17 MS. NUTTBROCK: I'd like to say a few
18 things, if that would be okay.

19 CHAIRMAN GAMPETRO: Go right ahead.

20 MS. NUTTBROCK: First of all, I'd like to
21 welcome to the Land Quality Division Advisory Board Mike
22 Shober. Welcome to the group. We look forward to
23 working with you.

24 MR. SHOBER: Thank you.

25 MS. NUTTBROCK: I'd also like to introduce

1 Robin Jones. He's the new District 1 supervisor out of
2 Cheyenne. So certainly welcome Robert's expertise in his
3 new role, also.

4 So just to say a few words about what we're
5 going to talk about today. This is a result of a lot of
6 work over the past six months with the Wyoming
7 Contractors Association and through the legislative
8 session with Shannon and her group from the PRBRC and
9 also the legislative body working through a House bill
10 and a Senate file that is -- that results in changes in
11 noncoal Chapters 9 and 10 that we'll discuss today.

12 But I'd really like to show appreciation for
13 the work that's occurred over the past six months. We
14 sat down with Jonathan's group back in October. And I
15 believe we spoke about this leading into that meeting.
16 There was a good exchange of ideas and a real
17 collaborative understanding of what the operators were
18 facing and what we as regulators were facing. And we
19 came to some agreements that resulted in good
20 conversation with the legislative session through those
21 sponsors. And PRBRC and Shannon and her folks were able
22 to work through some amendments and also insert some
23 things that we'll show you today.

24 But really, this was a good process. And I
25 think that, from Jonathan's perspective, at least from

1 what I understand, the changes that you'll see today were
2 things that happened in various discussions over the past
3 five or six years. And we finally sat down and have
4 taken them to a point where you're seeing them close to
5 their final point. The legislation becomes effective
6 July 1st of this year. So we'll be looking toward
7 promulgating these changes in our rules rather quickly.

8 So, that being said, thank you again for the
9 work over the past six months. And we'll turn it over to
10 Craig.

11 MR. HULTS: So today I have another rule
12 package before you. It's going to be Chapters 9 and 10,
13 something some of you have seen recently, I think maybe
14 two meetings ago or so. Just launch into it. I've got a
15 little PowerPoint. This package is small enough that I
16 think throughout it will be a little bit different. I'm
17 going to talk about some of the language as we go through
18 the PowerPoint, and then I'd like to follow it up with
19 the statement of reasons and just catch some of the
20 smaller things that may not be in the PowerPoint itself.

21 So, like Nancy said, this is in response to
22 changes to the Environmental Quality Act that just went
23 through this last session. This will be Chapter 9 with
24 the small mines and Chapter 10. The legislation's going
25 to be effective on July 1st of 2013. So our efforts here

1 are kind of just to follow along behind it so we'll have
2 regulations in place that will match the legislation, and
3 we'll be pretty timely about doing that. So I think that
4 will work out good. We're hoping to get to a July EQC
5 hearing, where we're set up right now. We couldn't quite
6 make a May one. Public notice requirements are issued
7 for July.

8 So the two legislative changes, the first one
9 was what's entitled now Enrolled Act Number 104. It was
10 originally House Bill 55. This deals with the small
11 mines. The changes that were made there were they
12 increased the amount of overburden, the limitation that
13 was on there, from 10,000 to 35,000 cubic yards. They
14 excluded the topsoil from the overburden limitation and
15 also excluded roads used to access the mining operation
16 from that ten-acre limitation that's placed on small
17 mines. And that ten acres is an annual limit. And they
18 also clarified the roads are included in the permit and
19 bonded for reclamation. So, annually, you can do your
20 ten acres of disturbance, but those roads won't be
21 included in that if you're expanding and need further
22 access or things like that.

23 The second part of it was Enrolled Act Number
24 19, which is Senate File 27 as it was proposed. This one
25 deals with the limited mining operations. In here, they

1 expanded the effective -- effective land limitation to
2 ten acres. Previously -- or, to fifteen acres. I'm
3 sorry. Previously it was ten acres. And that is not an
4 annual limit. That is the full scope of it. Again, the
5 access roads were excluded from that size limitation.
6 They also added a requirement to notify the LQD of the
7 proposed operation 30 days in advance of commencing
8 operation. Previously it was the -- the statute just
9 read that they had to provide notice. So they added this
10 30-day time frame there.

11 Another addition was that they added a
12 requirement for mailing a copy of that notification,
13 which would be sent to Nancy, or our Division, to all the
14 surface owners within one mile of the proposed operation.

15 Some other changes that were related to the
16 limited mining operation, now there's a setback
17 requirement if there is -- if the proposed operation is
18 within 300 feet of any existing occupied dwelling or
19 building, certain land uses, like a cemetery or park or
20 things like that, it will require landowner consent. The
21 bond was also increased. Previously it was \$1,000 per
22 acre with an additional \$100 that could have been tacked
23 on after the operation had started.

24 So now the bond amount for these limited mining
25 operations will be 2,000 per acre for most operations,

1 and then it will be \$3,000 per acre for quarry. When I
2 mentioned the \$100, what they have now is they've
3 expanded the administrator's discretion to increase that
4 bond amount based on the situation on the ground. If
5 there was something that would require a lot more to
6 reclaim above and beyond that \$2,000, the administrator
7 then has the discretion to raise that within 90 days of
8 the -- or after 90 days of operation once they've
9 commenced operation.

10 And then there was a small change to Section
11 35-11-417. That's our bonding section of the statute.
12 Basically, it was just a clarification, cleaned up some
13 of the language. There was a sentence that ran on for
14 about a paragraph, all the additions over time, so
15 cleaned some of that up.

16 CHAIRMAN GAMPETRO: Craig, I have a
17 question.

18 MR. HULTS: Certainly.

19 CHAIRMAN GAMPETRO: How did we come up
20 with the 100 yards, 300 feet from an occupied dwelling?
21 I assume your language means that the people occupying
22 that dwelling, that landowner --

23 MR. HULTS: Yeah. Uh-huh.

24 CHAIRMAN GAMPETRO: -- would be the one
25 that would have to agree to this. And the 100 yards, I'm

1 just wondering how we came up with that.

2 MR. HULTS: It's a fairly consistent
3 distance with like our coal program. And I believe the
4 intent was just to kind of mirror that. So the coal
5 program has that in there. I believe the small mines
6 already have that in there, as well. So I guess just
7 consistency's sake.

8 CHAIRMAN GAMPETRO: I guess I'm just
9 thinking how I'd feel about it if somebody wanted to plop
10 down a gravel pit or something 300 feet from my house.

11 MR. HULTS: Yeah. And like the coal
12 program, that's been there for quite a while. Small
13 mine, as well. I don't know where those original figures
14 came from. But just for consistency, I think they stuck
15 with that.

16 MR. MOXLEY: Mr. Chairman, that 300 feet
17 is actually in the statute. It's been in the statute for
18 a long time. It's in 35-11-406(m). And it says the
19 administrator -- let me see here if I can capture this.
20 It says, the director shall not deny a permit except for
21 one of the following reasons. And one of the reasons is
22 the affected land lies within 300 feet of an existing
23 occupied dwelling, et cetera. So that statute has been
24 in there for quite a long time. It never has applied to
25 limited mines, but it certainly applies to large mines

1 and permitted mine sites.

2 CHAIRMAN GAMPETRO: Okay. Thank you.

3 MR. HULTS: So then I thought we could
4 just talk about the actual changes to the rules that
5 we're proposing today. Again, we're increasing the
6 annual overburden limit to 35,000 yards, excluding
7 topsoil. The smaller text -- I'm hoping you can read
8 that -- is the proposed change that we have. It also
9 removes the roads from that ten-acre annual disturbance.
10 And so you can see we've gone from 10,000 to 35,000 cubic
11 yards. We exclude topsoil. And this language pretty
12 much mirrors the statutory language that was enacted
13 during this last legislative session.

14 There was also -- in Section 1 of Chapter 9, we
15 removed some redundant language. There was just a
16 description of what a small mine was. Further down in
17 the section, we've already defined that, so we've just
18 removed that.

19 In Section 2 we added the requirement that
20 roads are included in the permit and must be bonded for
21 reclamation liability. Again, this mirrors the statute,
22 and the language is there. Again, we'll go through the
23 statement of reasons if there's further discussion or
24 needs to be.

25 Also in Chapter 9, Section 7, we added the

1 limitation-and-exclusion language, similar to the
2 beginning in Section 1. That's the 35,000 yards and the
3 ten acres. I just added the ten in there. Sorry. And
4 again, excluding the roads used to access the mining
5 operation. So this is a very similar change to what
6 Section 1 has. And that was for small mines.

7 For limited mines, which is our Chapter 10, in
8 Section 1 we've added the requirement that the
9 notification to the LQD must be provided 30 days in
10 advance of commencing operations. We've increased the
11 affected land limitation to fifteen acres from ten. And
12 again here, they've excluded the access roads from the
13 size limitation in the statute. And we've mirrored that.
14 Also did a little bit of cleanup on the language. We had
15 some of the run-on sentences, as well.

16 So, more in Section 1. These were things that
17 we had in our notification. It's basically our form that
18 is sent in from the operator. Within the chapter, we
19 spelled out what was required of that notification. And
20 we've removed the start and end dates from the
21 notification requirements. There wasn't a lot of value
22 there. It was kind of a floating kind of target, and it
23 was hard to nail down based on needs for materials,
24 financials for the companies themselves. So we've
25 removed that from our form and from our regulations.

1 We've also removed the requirement to provide a
2 description of the mining methods on the notification
3 form. Previously the form had a description of basically
4 what a normal small or limited mining operation is. It's
5 a small surface mine. We didn't ask that the operator
6 include any information. It was just merely a statement.
7 So we've removed that from the form and also our
8 regulations. We've updated the size limitation. Wherever
9 it said ten acres, it now says fifteen acres. And
10 because we removed some of those sections, we had to
11 update the section headers to correspond with those
12 changes.

13 Also in Section 1, this is the requirement to
14 provide surface owners within one mile of the proposed
15 boundary of the LMO a copy of the notification. That
16 notification's our basic form that we get. That must be
17 provided 30 days, also, to the landowners before
18 commencing operations. We also detail requirements to
19 the landowners -- or, surface owners. I get caught up in
20 that one -- to the surface owners. For the notification
21 to the surface owners, we'd be requiring that form, that
22 we get a copy of the map of the proposed operation and
23 then the name, postal address and phone number of the
24 operator. In preparation of moving forward with these
25 regulations, we've created a sample template for

1 operators to send out just a cover letter. And that will
2 include this kind of information.

3 Moving to Section 2, we added a revised bond
4 amount of 2,000 per acre or 3,000 per acre for the
5 quarries. We have some comments that we received. And
6 we'll talk about this section a little more. There is a
7 further discussion about the administrator's discretion
8 to raise that if need be if the reclamation costs are not
9 going to match that \$2,000 or \$3,000. But we'll talk
10 about that a little later.

11 And again, we've added the roads used to access
12 the mining operation are included in the acreage total
13 when calculating the bond amounts.

14 In Section 4, we added the requirement, and
15 this is the landowner's consent now, must be obtained if
16 an operation is going to be within three feet -- or, 300
17 feet of an existing occupied dwelling. The way it reads,
18 and this is the way a statute reads, is an occupied
19 dwelling, a home, a public building, a school, church,
20 community or institutional building, a park or cemetery,
21 unless that landowner consent has been obtained.

22 In Section 6 we had -- our form was called Form
23 10 because of the ten-acre size. We're moving away from
24 that. It no longer makes sense and is a bit outdated.
25 What we'll probably refer to it as is a limited mining

1 operation notification. And in Section 8, we also
2 updated that size to fifteen acres. Wherever there is a
3 reference to ten acres, that's now fifteen acres.

4 And these are some changes that are related
5 that we'll be moving forward with. We've revised their
6 form, as I discussed before, to remove those start and
7 end dates. We've updated the bonding information. The
8 bonding, as we're moving forward, it's likely that some
9 of these existing operations may want to jump up to that
10 fifteen acres. The bond amounts on those new acres will
11 be the new statutory limits, but they'll be bonded for
12 those previous acres at what they were in the past. So
13 our form can account for that. And then we've also
14 developed the sample notification for the surface owners.

15 Those are basically the changes related to the
16 statutes. From here, we'll add revisions or update the
17 statement of reasons as necessary based on any
18 discussions we have today and then proceed to formal
19 rule-making with the EQC. We're hoping for that July
20 date. And hopefully it would be October-ish if the full
21 75 days for review from the governor's office would be
22 used. It would be filed with the Secretary of State. So
23 a couple months behind, but that's pretty good, I think.
24 We'll be able to move forward.

25 So next I'd like to actually jump into the

1 statement of reasons. We can see that language a little
2 bit better as we go through. And please feel free if you
3 have any questions, comments.

4 MR. GREEN: Mr. Chairman, I just have one
5 very brief question, if I might. I apologize. I meant
6 to go back into the rules and regs and see if quarry was
7 defined. Is it?

8 MR. HULTS: It is not.

9 MR. GREEN: I didn't think it was. Are
10 there plans -- since the bonding differentiation is
11 there, are there plans to define it?

12 MS. NUTTBROCK: Could I answer that,
13 Mr. Chairman? I could try to answer that. We've had a
14 lot of discussion about that. We spoke to the
15 contractors about the need to recognize those instances
16 where it's clearly not a traditional LMO, but where there
17 might be high walls to deal with or where there might be
18 significantly more reclamation liability to deal with.
19 But we don't have an instance or a definition for a
20 quarry at this point in time.

21 I think it's appropriate for us to proceed in a
22 fashion that's not so dissimilar from the way we've
23 handled it in the past. We've had \$1,000 per acre for
24 any type of this sort of operation. And the way I'd like
25 to proceed is using that \$2,000 per acre for a typical

1 type, and then when an instance is so unique or so
2 different, then we have a couple of different options.
3 We could look at that in terms of whether or not it fits
4 a general description of a quarry, or we could use the
5 other avenue, in that there is now administrator's
6 discretion to adjust and work with that operator to get
7 the bond amount set at the appropriate amount.

8 And if at some point in the future we want to
9 insert a language -- or, insert a definition for a
10 quarry, we could do so at that point in time. But I'd
11 kind of like to proceed with -- in the fashion that we
12 have in the past, because it seemed to have worked.

13 CHAIRMAN GAMPETRO: When we get around to
14 voting on this package that's before us, would it be wise
15 to have that motion be contingent upon later definition
16 and our approval of that definition of quarry?

17 MS. NUTTBROCK: In terms of when we might
18 proceed with a definition, I was speaking to my staff
19 over the past few months about this, and I wonder if it
20 would be more appropriate to wait until a point where we
21 might have some examples of -- say if, in the next few
22 years, we find that because we have this option now to
23 look at a difference between a \$2,000 operation and a
24 \$3,000-per-acre operation, we have some need and some
25 basis to craft a workable definition within our rule,

1 that we do so at that point in time.

2 I'm not proposing that we do so right now or as
3 a part of this rule package. But wait and utilize those
4 rules, put them on the ground and work with our operating
5 community to see if, in fact, we need a definition and
6 what that definition might be.

7 CHAIRMAN GAMPETRO: I'm not asking that we
8 have that definition immediately. What I'm saying,
9 though, is that if we are asked to vote on this package
10 and we don't have a definition to, in that vote, indicate
11 that a future definition still has to be approved.

12 MS. NUTTBROCK: We could certainly --
13 would it be your intent, then, to have that -- would it
14 be your intent to have that definition inserted somehow
15 prior to going forward at the July EQC hearing or at some
16 point in the future, years in the future or months in the
17 future, Mr. Gampetro?

18 CHAIRMAN GAMPETRO: I'm not implying that
19 we do either of those. I'm just saying that when we
20 approve this package as it stands now, that a comment be
21 placed in there that this is approved pending a future
22 definition of what a quarry is. Because we're approving
23 a package with a term in it that's undefined.

24 MS. NUTTBROCK: I could certainly -- I
25 could certainly see where that would be -- that might be

1 something to consider. Some language that you might
2 consider, Chairman, is approving this rule package and
3 making notes in your approval that might suggest that we
4 take a look at this at some point in the future. And it
5 might be good for the board to consider working with the
6 staff to come up with a definition at some point when we
7 kind of know what those sideboards are going to be and
8 what that definition might look like.

9 CHAIRMAN GAMPETRO: Something to that
10 effect would seem appropriate.

11 MS. NUTTBROCK: Okay. Everybody happy
12 with that approach?

13 MR. GREEN: Yes.

14 MR. HULTS: So, jumping into Chapter 9,
15 some of these things we've discussed. Here in Section 1,
16 this is the 35,000 cubic yards of overburden addition,
17 which mirrors the statute. And the way the statute reads
18 is excluding topsoil. We've tried to mirror the
19 statutory language as much as possible, added just a
20 little bit of grammatical correction and also added the
21 exclusion that roads used to access the mining operation
22 are not included within that ten-acre limitation per
23 year. And please feel free if you have any questions or
24 anything.

25 In subsection (d), this was where we removed

1 that redundant language. We just pulled out what the
2 previous definition of a small mine was. Now it just
3 reads, prior to the commencement of a small surface
4 mining operation, an application needs to be submitted.
5 We've just removed that.

6 Under Section 2, which is the adjudication
7 information, we added a sentence describing the roads
8 used to access a small mining operation are included in
9 the permit and bonded for reclamation liability.

10 Again in Section 7, this is dealing with
11 conversion from a small mine to a regular mine. We just
12 updated those limitations and exclusions to match the
13 previous part in statutory language. And those are the
14 changes for the small mine. Pretty discrete and follow
15 the statutory language.

16 In Chapter 10, which is our limited mining
17 operations, the chapter title is updated for the
18 fifteen-acre limitation now. In subsection (1)(a) we've
19 added the requirement that the notification that is sent
20 to the administrator must be provided at least 30 days
21 prior to the commencement of that operation. We've
22 updated that to fifteen acres from ten. We've excluded
23 the access roads used to access that LMO and just
24 clarified some language, split up a sentence.

25 Here are some of the -- the first one, anyway,

1 this section is still about the forms. So what's on that
2 notice and notification, we've removed the proposed
3 commencement and completion dates of the operation.
4 Again, it didn't have much value in our administration
5 and oversight of these types of operations.

6 Some of the changes to the topo map that they
7 would provide, we've removed that Form 10 discussion or
8 just a cite to -- we no longer call it a Form 10, or
9 won't be moving forward -- and clarified that that's the
10 notification that's submitted to the administrator, which
11 the statute required. We've updated the size limitation
12 where appropriate to fifteen acres. We also added a
13 clarification that the roads that are used to access the
14 limited mining operation from the point where they
15 provide exclusive service, they will be covered by a
16 reclamation bond, but they're not included in that
17 fifteen-acre limitation. So they could have fifteen
18 acres of disturbance, plus those roads, and all of that
19 acreage has to be covered by the bond.

20 Some minor revisions just updating section
21 headers. Subsection (d), as I described, we removed that
22 description of the mining operations and methods. It's
23 fairly consistent throughout. And again, we had to
24 update section headers. We've added a new subsection
25 (b). This is the notification to the surface owners

1 located within one mile of the proposed boundary of the
2 limited mining operation. And we've detailed what needs
3 to be included in that notification.

4 The first thing is a copy of the notification,
5 which is our form that is submitted to the administrator.
6 So a copy of that form, a copy of the map that's
7 described in the chapter that is also submitted initially
8 with their application, and then the name, postal address
9 and telephone number of the operator. And again, these
10 mirror the statutory language.

11 In this section here, what we had originally
12 sent to you guys had the text that was in the black text
13 in Section 2. We received comments on that. And I guess
14 probably now would be an appropriate time to open that
15 up. So the comment was the -- the statutory language
16 continues on. This red language is the continuation
17 where the administrator has discretion to increase that
18 bond above the \$2,000 and \$3,000 limits. It's within 90
19 days after the LMO has commenced operation. And it
20 requires the operator to post that bond no later than 30
21 days after receipt of such notification.

22 And so this is in response to Powder River
23 Basin comments that we received. We've just added the
24 additional language that was included in the statute.
25 And our hope is that that will address the comments. So,

1 as we're moving forward with this, we would be adding
2 that language to what you were originally provided with.

3 MR. GREEN: Mr. Chairman, could I ask a
4 brief question?

5 Craig, and again, I didn't check the website,
6 but this modification was posted on the website?

7 MR. HULTS: No. I just got the comments a
8 couple days ago. So this was in anticipation of that.
9 It will be updated, of course. But this, I just -- when
10 did I get them? Wednesday, I guess.

11 MR. GREEN: And the reason I'm asking is
12 because folks that might have had an interest in that
13 change wouldn't have seen it, wouldn't be aware of that
14 prior to this meeting. So that's why I asked.

15 MR. HULTS: I guess my response to that
16 would be I think I would have let whoever come with those
17 comments in person or send them off to us and provide
18 them here at that moment. But we don't generally bring a
19 response to comments. Just got them a couple days
20 before. And so, in preparation of that.

21 MR. GREEN: Yeah. And I do understand
22 that part. I'm just thinking that if there was someone
23 who was an industry that had an interest in this would
24 not have been aware of this change in the rules prior to
25 this meeting. That's all. Prior to the proposal.

1 MR. HULTS: And I would also state that
2 that's a direct mirror of the statutory language. We
3 didn't include it originally, I guess oversight,
4 possibly. We did have discussions about it. And so I
5 guess that language will be out there whether this is
6 there or not. We will certainly make that change in the
7 statement of reasons as we move forward if we decide to
8 adopt that language and make sure that that's noticed.

9 MS. NUTTBROCK: Chairman, and Mr. Green,
10 this is language that's in -- it's in the legislation.
11 It's something that we would enact come July 1st,
12 anyways. It was something that we had inadvertently
13 missed in pasting into our statement of reasons.

14 So, certainly, Shannon, good catch on that.
15 But we pasted it in there. And it's not as if it's
16 discretionary at this point because it's in statute. So
17 I think it's appropriate to mirror it exactly in our
18 rules as it exists going forward in the enrolled act as
19 it stands.

20 MR. GREEN: And I have no concerns with it
21 being in there. I just am concerned about the
22 information that was available to the folks prior to this
23 meeting, versus what's actually going to be moving
24 forward.

25 MS. NUTTBROCK: And there are some

1 instances where we find ourselves noticing this meeting,
2 and typically we receive comments the last couple of days
3 prior to the meeting. So we want to come prepared to
4 address the comments that we've received and be able to
5 talk about them in public. And sometimes the timing
6 isn't perfect. Now, if it was an instance where we were
7 adding something that wasn't already statutorily
8 mandated, then it might be up to the board to either send
9 us back and renotice that. That would be certainly your
10 call, Chairman and board.

11 MR. GREEN: And just for clarity, I'm not
12 suggesting that. Appreciate it.

13 MR. SHOBER: Mr. Chairman, I notice in
14 this that there's two different amounts for reclamation
15 costs. And it refers to quarries. Could you maybe help
16 me understand why there's a thousand dollar jump per acre
17 in reclamation cost?

18 MS. NUTTBROCK: Certainly. We can talk
19 about that. And there's some instances within the
20 various districts that might lend itself to some better
21 explanation. But that was the question that Mr. Green
22 posed just a few minutes ago. And the way -- the way it
23 had been in the past is we had a thousand dollars an acre
24 for any type of operation. And it was recognized that in
25 some instances, maybe the State would be better protected

1 if there was an option to look at those quarry-type
2 higher high walls that needed to be reclaimed and might
3 require possibly some blasting to knock them down. You
4 know, any number of instances might exist where the
5 administrator might want some discretion to better cover
6 the State's risk in the form of a reclamation bond.

7 This was something that we talked about with
8 industry, and it was reasonable to them. And when we
9 began talking about it amongst our staff, it was -- it
10 immediately got a little bit confusing in terms of, do we
11 want to have a rigid definition and impose an increase in
12 bond amount on a small portion of an operation that might
13 have some characteristics that resemble the quarry, such
14 that an operator would be in a position to, if they had
15 a -- and keep in mind, they're bonding the road at this
16 amount, too.

17 So, if you had a small portion of your
18 operation that might resemble or have some quarry type of
19 characteristics, would it be reasonable for us to impose
20 a \$3,000 bond amount on that entire acreage, or would it
21 be more appropriate to realize a \$2,000 bond? And if
22 there were instances where we were particularly
23 concerned, we have some other latitude within the statute
24 to say we'd like to have additional bond because of this
25 feature that we see.

1 Now, when I -- I spoke earlier. We'd like to
2 utilize these rules and see how -- see how this works on
3 the ground. And as I suggested before, if you'd like for
4 us to consider at some point in the future how is this
5 working with the split amount, and is it necessary to
6 draw some definitions around what a quarry type might be?

7 Gentlemen, do you have some examples that might
8 lend this conversation to what it looks like on the
9 ground?

10 MR. MOXLEY: Mr. Chairman, we have very
11 few examples, actually, of quarries that are permitted as
12 limited mines. You know, we do have quarries, obviously,
13 but they're all permitted as mine permits. They're not
14 falling under this limited mine notification process.

15 I guess one of the concepts with this limited
16 mine notification is that there's a preset bond amount,
17 so the operator knows how much bond he has to provide
18 with his notification. In the past it's been \$1,000 an
19 acre. And we're jumping up to 2,000, with the proviso
20 that if it's a quarry, then he should provide 3,000.

21 I guess, in my view, a quarry is a hard-rock
22 situation where you have vertical high walls. Maybe
23 blasting is involved, maybe benching, a benched high wall
24 type of a scenario, which would obviously cost more to
25 reclaim. But again, we don't have a real history of that

1 under the limited mine notification process. So, like
2 Nancy said, I think we are sort of feeling our way here,
3 at least initially. You know, I think we all have kind
4 of a mental picture of what a quarry might look like, but
5 there is no operating definition. So, if an operator is
6 proposing a quarry, you know, the statute kind of says he
7 should post a bond of \$3,000 an acre. But there's no
8 definition. So we'll see how that works, I guess.

9 MS. NUTTBROCK: I can offer a little bit
10 more perspective, also. When we started working with the
11 contractors association about the changes that they found
12 necessary, we certainly had an opportunity to talk with
13 them about our concerns about bonding these at a thousand
14 dollars an acre. We were concerned that -- and we wanted
15 \$2,000 an acre and \$3,000 an acre to cover the State in
16 those instances, those rare instances where we have an
17 LMO that resembles a quarry.

18 So that was amenable to both parties and seemed
19 reasonable. And when the -- when this concept was being
20 sponsored through the legislative session, an amendment
21 was proposed -- and, Shannon, I think this is a PRBRC
22 amendment -- where it used to be that the administrator
23 had the discretion to add another hundred dollars an acre
24 to cover those instances where the State thought they may
25 be more at risk. The language that you see up there in

1 red gives the administrator more discretion beyond a
2 hundred dollars to cover the State in those instances.

3 So it's almost as if we had -- we had concerns
4 and wanted to cover the State's risk early on in our
5 process when we were talking to Jonathan. And we said,
6 okay, is it reasonable to say \$2,000 an acre for those
7 typical situations, and then for those that resemble a
8 quarry, let's bond them at \$3,000 an acre, when I think,
9 by amendment, that's kind of what Shannon and the Powder
10 River Basin Resource Council was trying to do.

11 So, in my mind, the State is certainly covered
12 by having the option to go to \$3,000 if it looks like a
13 quarry, or the administrator has the discretion to
14 increase that amount. So I think we were -- we were
15 intending to cover the State in kind of the same way.
16 It's just the -- so we're covered.

17 MR. GREEN: Mr. Chairman?

18 CHAIRMAN GAMPETRO: Go ahead, Mr. Green.

19 MR. GREEN: Might I suggest that -- since
20 I was the one who passed the first question, might I
21 suggest maybe a brief explanation of the value of having
22 that flexibility? If that were to be described in the
23 introduction of the statement of reasons, I think that
24 would be helpful. I think that that would -- that that
25 would provide a historic basis for folks to go back to

1 you and say, why isn't there a definition of quarry? It
2 at least would be in the record, and it would not hold up
3 the process. It would also provide the Agency with the
4 flexibility that you're after for determining what in the
5 field should constitute a quarry.

6 CHAIRMAN GAMPETRO: I see the problem as
7 up front in the developing of the plan for this small
8 mine situation or quarry, actually knowing if that's
9 what's going to develop, how deep you're going to have to
10 go. Are there going to be high walls? Are they going to
11 be rock high walls? Does one really know that up front
12 when we're bonding and when we're planning this
13 operation, when the contractor's planning the operation?
14 That would seem to me -- because it's language that
15 simply said two to three thousand dollars an acre
16 depending on the -- and not trying to define quarry --
17 depending on the situation, when you really don't know
18 what the situation is going to be.

19 There was a gravel pit, gravel mine placed
20 outside of Buffalo that started off, it didn't have any
21 high walls. It does now. And it's a pretty deep hole.
22 And so you don't really know, it would seem to me --
23 somebody correct me -- what you're going to get when you
24 start one of these things. And putting the discretion in
25 there, that's even problematic, because how do you know

1 how much to bond for up front if you don't know what's
2 really going to occur? Any answers to that?

3 MR. ROGACZEWSKI: Mr. Chairman, I think
4 you're correct. It's a limited -- it is a limited mining
5 operation, not small, that we're talking about here. I
6 know that's the nomenclature, but we do -- but we will
7 not know what they're planning to do. We do not require
8 them to tell us how deep they're going to go. It is a
9 surficial disturbance of fifteen acres, plus the road.
10 So we will not know if they plan on going 30 foot deep.
11 Even with a gravel pit, we do not know that until we get
12 on the site and we actually start doing our inspections.
13 As long as they're within what would be now a
14 fifteen-acre footprint and they want to go 300 foot deep,
15 they can do that.

16 CHAIRMAN GAMPETRO: Let me ask you this.
17 The bonding process, can it be reentered when that
18 occurs? The actual bonding, can the bonding be increased
19 at that point?

20 MR. ROGACZEWSKI: My understanding is no,
21 not at this time. It's per acre. It's not like a small
22 mine, as Mark said earlier, a permitted site. We have
23 the right to go through every annual report and analyze
24 those on a small mine, a regular mine, coal mine,
25 whatever it might be. But not with a limited mining

1 operation. It's locked in. And my understanding of the
2 rule -- this new rule or reg or statute is, if we don't
3 raise it within the first 90 days, we do not have the
4 right to raise it again ever if they're within
5 compliance.

6 CHAIRMAN GAMPETRO: Maybe that's what
7 needs to be changed. Then all you have to do is follow
8 the process, increase the bond if necessary, once you
9 know it's actually necessary to be increased.

10 MR. ROGACZEWSKI: But right now I don't
11 think we have that. The way the statute is written, we
12 don't have that -- I don't think we have that ability to
13 do that.

14 CHAIRMAN GAMPETRO: Within the statute?

15 MR. ROGACZEWSKI: Within the statute, we
16 don't have that.

17 MS. NUTTBROCK: Mr. Chairman, it specifies
18 within 90 days after the limited mining operation
19 commences, the administrator has that flexibility. And
20 that's true. That's true. Sometimes we don't know how
21 these operations are going to evolve over their life. I
22 would say this, though. If an operation initially begins
23 its life as something smaller than now the fifteen acres
24 and at some point in the future they wish to increase
25 their disturbance area and submit a new notification

1 form, that's when we would have the option to say, okay,
2 you're increasing your number of acres up to that
3 fifteen.

4 So we would in some cases have the option to
5 look at what type of operation that has evolved into.
6 But typically, no. This LMO process is not a permit
7 process. It's a notification process. It was intended
8 to be that way. And it was intended to be rather simple
9 and straightforward in saying here's a given dollar
10 amount per acre. And it's worked well in the past. And
11 I'm certainly happy to see the increase from \$1,000 to
12 \$2,000 an acre. And I think that's something we need to
13 remember here, is that we're wanting to maintain the
14 simplicity of the process, but we're certainly wanting to
15 assure that the State is covered in its reclamation
16 liability.

17 CHAIRMAN GAMPETRO: Any other comments,
18 ideas or suggestions?

19 MR. SHOBER: Mr. Chairman, kind of after
20 listening to this, it looks like it's the presence of a
21 high wall and/or benches, and it's kind of related to
22 depth. I mean, at Sundance, those limestone quarries
23 over there, you can call them a quarry. You can call
24 them what you want to. But typically, the limestone
25 formation is not very deep. So, if you have a high wall,

1 it's not -- it's maybe ten or fifteen feet, is all it is.
2 But I could see other places that you could have -- and
3 the same thing in a gravel operation. You could have
4 multiple benches going down. And so maybe there's the
5 answer to the definition of a quarry. When I look it up
6 in a dictionary, a quarry, it says it's sand to gravel or
7 building stones. And that kind of tells me that a gravel
8 pit, a river gravel pit, could be defined as a quarry.

9 So there's -- I mean, if I was an operator in a
10 permit, I would kind of like to have a little bit better
11 definition of what -- whether it's going to be 2,000 or
12 3,000. And maybe if there's a depth and something in
13 reference to a high wall and some benches, it would help
14 explain that.

15 MR. GREEN: Mr. Chairman, I guess I'll
16 just reiterate my suggestion. I agree with Mr. Shober,
17 but I also believe that with the additional flexibility
18 the Agency is after, I think if we can give them time to
19 develop that on a practical field basis, I think that
20 would be helpful. So I would reiterate my suggestion of
21 perhaps asking the Agency to modify the statement of
22 reasons to outline the plan for defining it.

23 CHAIRMAN GAMPETRO: Anybody else?

24 (No response.)

25 CHAIRMAN GAMPETRO: Okay. Go forward.

1 MR. HULTS: I guess related to that, one
2 of the things our form asked for, the notification form,
3 is the maximum depth of mining. So we do have some kind
4 of indication there when they initially submit that form.

5 I guess moving on to the operation, we've added
6 again the statutory language regarding -- or, requiring
7 landowner's consent if the proposed operation is going to
8 be within 300 feet of any existing occupied dwelling and
9 the various types that are listed up there, a school,
10 church, community, park, cemetery. Again, this mirrors
11 the statutory language. In Section 6 we removed the Form
12 10 and just called it a notification. In subsection (8)
13 we had to update the ten to fifteen acres again to match
14 the new size limitation. And that is it for changes in
15 Chapter 10.

16 And I thought it might just be helpful, too, to
17 just kind of pull up the statutory language so that you
18 can see some of the things that we're mirroring here. We
19 have the fifteen acres, excluding roads used to access
20 the mining operation. They've added the 30-day
21 requirement before commencing operations. They've also
22 added that the notice has to be mailed to all surface
23 owners located within one mile.

24 The limitation regarding the setback of 300
25 feet, again, our language mirrors that. Here is the

1 bonding language here. So this is the language that was
2 added to statutes. And again, our language in the
3 proposed rules mirrors that. And with these legislative
4 changes, without having those sideboards or moving
5 forward without this prior knowledge of how this is all
6 going to play out, I think our first step is to get that
7 language in there into our regulations and let them
8 develop over time, allowing our guidance documents to
9 kind of follow up behind that and flesh out the details
10 as we gain experience with that.

11 Some of these sections look new. What they
12 did, though, was reordered it. The statute previously
13 started at subsection (6) here. And the way the statute
14 read before was there was a subsection (7), subsection
15 (8). What they did was made these subsections of that
16 initial subsection (6) to make it clear. It wasn't
17 entirely clear that, as you were talking or looking down
18 through the statutes, that these were modifications to
19 that initial statement about limited operations. So
20 subsection (c) and (d), those were already in
21 regulation -- or, in statute. They're just reordered and
22 renumbered.

23 And this here is the bonding language that was
24 added to the statute. That just cleans up some of the --
25 they had the list of what basically a limited mining

1 operation was. And so they clarified that by just saying
2 it's bonded under subsection (6), which is (e), and
3 that's the limited mining operations, clarified that it
4 was just any noncoal mine. Hopefully it's grammatically
5 better. And again, they made that same kind of change
6 for initial bonds and subsequent bonds. So our intent
7 really was just to mirror this language. Hopefully
8 that's a little more helpful.

9 And that was all I have as far as changes that
10 we have. I guess I could pull up that form if you wanted
11 to look at it. Again, we've basically just pulled out
12 those things I've discussed and revised the bonding
13 section, and that's pretty much it.

14 CHAIRMAN GAMPETRO: Thank you, Craig.

15 Anything else? Any comments, suggestions,
16 additions, questions?

17 MR. GREEN: Mr. Chairman, if I might ask
18 just one question, if I might.

19 With the form outlining the projected depth of
20 the operation, if one of the annual inspections notes
21 that the depth is actually in exceedance of that, does
22 that reset that 90-day clock for bonding considerations?

23 MR. ROGACZEWSKI: Mr. Chairman, my opinion
24 would be no. Because I actually don't know if that
25 depth -- it's not supported by any rule or reg or

1 statute. So it's something we've asked for as a
2 generality of what type of mining operation it is. But I
3 do not know. I don't think we have any standing with the
4 statute or rule and regs to actually know that.

5 MR. GREEN: I just thought that might --
6 that might help to address the question about quarry,
7 versus nonquarry.

8 MR. HULTS: The depth of mining was
9 included in our form previously. There isn't any
10 statutory requirement to give us that information. So
11 it's just additional information that helps us -- to help
12 us administer the LMO.

13 MR. GREEN: Thank you.

14 CHAIRMAN GAMPETRO: Well, I guess, then,
15 we would entertain a motion.

16 MR. GREEN: I would move that we accept
17 the modified regulations as presented with the provision
18 that the introduction section of the statement of reasons
19 be modified to describe LQD's approach to defining quarry
20 over time and experience.

21 MR. SHOBER: Second.

22 CHAIRMAN GAMPETRO: Okay. We have a
23 motion that's been moved and seconded. Any discussion on
24 the motion?

25 MR. JONES: Mr. Chairman, I'd ask

1 Mr. Green, would you want to also include in your motion
2 some kind of provision about the defining of the quarry
3 in the future? I heard that discussion earlier, and I'm
4 not sure if --

5 MR. GREEN: That's what I'm suggesting,
6 that the modification of the statement of reasons
7 introduction just describe --

8 MR. JONES: So that will handle that.

9 MR. GREEN: Exactly. I'm suggesting that
10 as probably the best way to handle that so that everyone
11 involved knows what the process is going to be, that we
12 did, indeed, talk about quarry not being defined.
13 There's a reason for that. So, to me, that's the best
14 resolution, I think.

15 MR. JONES: Okay. Thank you.

16 MR. GREEN: You bet.

17 CHAIRMAN GAMPETRO: Craig, you and Nancy
18 were discussing something?

19 MR. HULTS: An agenda item.

20 CHAIRMAN GAMPETRO: Okay. That's fine. I
21 didn't want to go on without everybody having a chance at
22 this.

23 Well, it's been moved and seconded. All those
24 in favor?

25 (All members vote aye.)

1 CHAIRMAN GAMPETRO: And seeing no opposed,
2 the motion passes.

3 Before we go on to any other agenda items,
4 those of you, I assume, have all had a chance to read the
5 minutes from the last meeting, and so if we could
6 entertain a motion to approve those minutes.

7 MR. GREEN: I would so move to approve
8 those minutes.

9 MR. COLLINS: I'll second.

10 CHAIRMAN GAMPETRO: Moved and seconded.
11 All those in favor?

12 (All members vote aye.)

13 CHAIRMAN GAMPETRO: Seeing no opposed, I
14 can sign this.

15 Any other items to come before this board
16 today?

17 MR. HULTS: Mr. Chairman, just as a matter
18 of protocol, it would be good if we formally get PRBRC's
19 comments into the record, either written or -- just so we
20 have that on the record.

21 CHAIRMAN GAMPETRO: How do we want to do
22 that?

23 MR. HULTS: What I would propose is I will
24 take those comments. We will have a response to comments
25 in our statement of reasons. But I just wanted to get

1 those actually into the record. I believe she does have
2 written comments that she could provide.

3 CHAIRMAN GAMPETRO: Is that satisfactory?

4 MS. ANDERSON: Mr. Chairman, that sounds
5 fine to us. Whatever is easiest for you.

6 CHAIRMAN GAMPETRO: Thank you. Do we need
7 a motion on that?

8 MR. HULTS: I don't believe so.

9 CHAIRMAN GAMPETRO: Okay. We're good.

10 Any other items to come before the board?
11 Nancy.

12 MS. NUTTBROCK: Mr. Chairman, if I could
13 just have a few minutes, I'd kind of like to discuss a
14 matter of protocol with the board in terms of potentially
15 meeting via conference call or via GoToMeeting for
16 instances where -- we're required to meet quarterly. But
17 in all instances, I'm not sure that we'll have a rule
18 package or something -- something to bring in a public
19 way where we want the public's input. But I certainly
20 want to meet the intent -- meet the intent of the statute
21 by meeting quarterly.

22 We may choose -- at some point we may choose to
23 entertain that and to do a conference call. And maybe
24 it's a quarterly meeting, and we update you on any number
25 of general business items or something that you may be

1 interested in. But I want to make sure that there's a
2 mechanism that we can satisfy our quarterly requirements
3 to meet, but yet in instances where I don't have
4 something to present to you, that it's a good use of your
5 time, and we're not wasting time and money traveling to a
6 meeting when we could satisfy a simple requirement by
7 another means.

8 Is that something that you've done in the past
9 or would be amenable to, Mr. Chairman?

10 CHAIRMAN GAMPETRO: Not that I'm aware of.
11 And I think I've been here the longest. Maybe before
12 that. I guess I would ask you is there any definition or
13 requirement within a definition of quarterly meeting?

14 MS. NUTTBROCK: We've got our quarterly
15 meetings scheduled, and I'd like to have them on our
16 calendar. That gives us some really good target dates
17 when we are working to promulgate rule packages. And it
18 also gives us a good opportunity to have a scheduled
19 endeavor with you and with members of the community to
20 look at different items.

21 For example, I foresee, in the second or third
22 quarter of this year, using this meeting time to maybe
23 not necessarily advance a rule package, but to talk with
24 a particular industry sector about electronic permitting,
25 some initiatives that we're working on in-house that we'd

1 like to get some public feedback on maybe from -- and
2 we're looking at doing so in industry sector by industry
3 sector, because they all do permitting in a little
4 different way. But it wouldn't necessarily be something
5 that would require a vote on your part.

6 CHAIRMAN GAMPETRO: I guess my question
7 was more along the lines, are we limited as to what we
8 can agree to by any statute or anything like that?

9 MS. NUTTBROCK: I don't believe so. In
10 terms of a quarterly meeting, you could run those
11 quarterly meetings in whatever way, as long as they fell
12 within a particular quarter. We couldn't do four
13 meetings on December 20th, 21st, 22nd, 23rd. Not that
14 I'd want to right before Christmas, anyways. But see
15 what I mean? They need to be -- they need to be
16 quarterly. It specifically states that.

17 But I think there's some flexibility for you to
18 say that if there's nothing that would require a vote, or
19 maybe because we have this space calendared and it's on
20 all of our calendars, and we use these dates to target
21 some of our internal work, I'd like to keep them but
22 maybe have some flexibility with you, Mr. Chairman, to
23 talk about whether or not it requires your presence, or
24 we can meet the statutory requirement by GoToMeeting or
25 by a conference call.

1 So just something I've been thinking about.

2 CHAIRMAN GAMPETRO: How does the rest of
3 the board feel?

4 MR. GREEN: If I might, I think that the
5 flexibility of that sounds very good. I just have one
6 question, and that is, since these are public meetings,
7 under a GoToMeeting or a conference call scenario, I'm
8 assuming that there would be ample opportunity for the
9 public to be calling in or dialing into the GotoMeeting.

10 CHAIRMAN GAMPETRO: I believe that the
11 public meeting requirement only comes in if we're going
12 to vote on something. So it's really not required, in my
13 knowledge. I just went to a board meeting class, and
14 there was an attorney there, and we discussed this. And
15 his view was that we can have whatever meetings we want.
16 And they do not have to be public. But if we're going to
17 vote on something, that has to not only be public at the
18 time we vote on it, but it has to be public when it's
19 discussed. We couldn't have one of these meetings and
20 discuss something that we're going to vote on later,
21 because then it's a violation of the public meeting law,
22 my understanding.

23 MR. GREEN: Very good. Even better.

24 CHAIRMAN GAMPETRO: Would everybody be
25 happy with a GoToMeeting conference type of situation

1 when we're not discussing something that's going to be
2 voted on?

3 MR. SHOBER: I would be fine with it.

4 MR. GREEN: Absolutely.

5 CHAIRMAN GAMPETRO: Do we need a motion on
6 that?

7 MS. NUTTBROCK: I don't believe so. I
8 would propose, Mr. Chairman, that you and I just continue
9 to coordinate, that we speak four to six weeks before our
10 scheduled meeting times, and we could continue that
11 practice.

12 CHAIRMAN GAMPETRO: Fine.

13 MS. NUTTBROCK: Craig just pointed out to
14 me, as well, corrected me in the fact that the statute
15 actually reads that the board shall hold at least four
16 regularly scheduled meetings, but the special meetings
17 may be called if necessary at any time.

18 CHAIRMAN GAMPETRO: Any preferences as to
19 conference call, versus a computer GoToMeeting type of
20 situation?

21 MR. SHOBER: I have attended both of them
22 both ways. And it's -- they're still kind of hard to --
23 I mean, you sit there and you're staring at a phone or
24 something. And it's kind of -- because you don't see the
25 other people and the other parts of it. But I guess I

1 would rather do that than have to drive to Casper for a
2 50-minute meeting.

3 MR. GREEN: Absolutely.

4 MR. ROGACZEWSKI: Mr. Chairman, is there a
5 possibility to get something like Skype, where you could
6 actually have a camera? I don't know if we have those
7 abilities. You can actually see everybody on a screen
8 and still be able to see through the PowerPoint going on.
9 I don't know if those capabilities are available or not.

10 MS. NUTTBROCK: We could certainly
11 investigate those options. I think, given the context of
12 whatever discussion might merit, whether it be a simple
13 conference call or -- I guess what I envision happening
14 here, possibly, is that we would -- we would utilize this
15 venue, this room, to conduct other business on our
16 regularly scheduled meetings, because we've got them
17 scheduled.

18 For example, the E-permitting, that's nothing
19 that would necessarily require a vote, but yet you might
20 be interested to see what we're working on. So, in
21 instances like that, Mr. Chairman, I'd certainly discuss
22 the intent of the meeting with you. And certainly in
23 those instances, you'd be welcome to attend. And if we
24 needed to satisfy the requirements of our second or third
25 or fourth regularly scheduled meeting, we could do so by

1 conference call beforehand or something like that.

2 I just wanted to make sure you know that I'm
3 open to some flexibility. I know that summer calendars
4 really get busy. And I want to be respectful of your
5 time, in that I certainly would save you a trip down to
6 Casper if it wasn't necessary.

7 CHAIRMAN GAMPETRO: Well, it sounds to me
8 like everybody up here is in agreement with that. We do
9 not have a problem.

10 Other items on the agenda?

11 MS. NUTTBROCK: That's all I have,
12 Mr. Chairman.

13 CHAIRMAN GAMPETRO: I have one request.
14 This blower back here, when we're using this room and
15 we're sitting up here, if we could turn it off. It makes
16 it very difficult to hear. It's a background noise.

17 MR. MOXLEY: We don't hear it out here.

18 CHAIRMAN GAMPETRO: You don't hear it down
19 there, and then I don't hear you down there. And, of
20 course, this might be an old-person problem, which I
21 qualify for. But that background noise certainly -- and
22 I don't think it's necessary if we're just going to be
23 here -- if we need it, we can always turn it back on.
24 But it's been going the entire time.

25 MS. NUTTBROCK: I'm certain we can arrange

1 to have that shut off.

2 CHAIRMAN GAMPETRO: If it's possible. If
3 it's possible.

4 Nothing else? Well, then I guess we would
5 entertain a motion to adjourn.

6 MR. COLLINS: So moved.

7 MR. GREEN: I'll second.

8 CHAIRMAN GAMPETRO: Moved and seconded.
9 All those in favor?

10 (All members vote aye.)

11 CHAIRMAN GAMPETRO: Seeing none opposed,
12 the motion carries. And I thank you all very much for
13 all of your hard work and for attending and putting
14 comments in and so on.

15 (Hearing proceedings concluded

16 11:24 a.m., March 25, 2013.)

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1 C E R T I F I C A T E

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3 I, RANDY A. HATLESTAD, a Registered Merit
4 Reporter, do hereby certify that I reported by machine
5 shorthand the proceedings contained herein constituting a
6 full, true and correct transcript.

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8 Dated this 4th day of April, 2013.

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RANDY A. HATLESTAD

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Registered Merit Reporter

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